

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims as set forth above, claims 1 and 3-9 are now pending in this application.

### **Information Disclosure Statement**

Applicants wish to thank the Office for providing a signed copy of the SB/08 form filed on May 23, 2006. Applicants note that an Information Disclosure Statements and SB/08 form were also filed on September 21, 2006. Applicants respectfully request the Office to consider the references listed in these forms and to provide a signed and initialed copy of the SB/08 form with the next Office correspondence.

### **Rejection under 35 U.S.C. § 102**

Claims 1, 3-6, 8, and 9 are rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,958,525 (hereafter "Nakata et al."). This rejection is respectfully traversed.

Claim 1 recites a semiconductor device that comprises a semiconductor substrate; a first insulating film formed on an upper side of said semiconductor substrate, said first insulating film consisting essentially of ladder-shaped siloxane hydride; and a second insulating film disposed adjacent to said first insulating film, said second insulating film containing oxygen and silicon as constituent elements. Claims 3-6, 8, and 9 depend upon claim 1.

Nakata et al. discloses a semiconductor device that includes a substrate 1, a low dielectric constant film 26, and a cap layer 27. See Nakata et al. at col. 7, line 67; col. 8, lines 1-2, 31-32, 37-38. Nakata et al. discloses that the low dielectric constant film 26 can contain siloxane resin and polycarbosilane bonded to the siloxane resin. See Nakata et al. at col. 2, lines 4-9. Nakata et al. teaches that the addition of polycarbosilane to siloxane suppresses hydrolysis of the film by alkaline solution, suppresses an increase in the dielectric constant,

and improves the moisture resistance of the siloxane resin. See Nakata et al. at col. 4, lines 29-43.

Applicants note that “consisting essentially of” language “...limits the scope of a claim to the specified materials ‘and those that do not materially affect the basic and novel characteristic(s)’ of the claimed invention.” See M.P.E.P. § 2111.03. Applicants submit that the addition of polycarbosilane to siloxane resin, as disclosed by Nakata et al., materially affects the basic and novel characteristics of the claimed invention, particularly in light of the teachings of Nakata et al. that the addition of polycarbosilane to siloxane suppresses hydrolysis of the film by alkaline solution, suppresses an increase in the dielectric constant, and improves the moisture resistance of the siloxane resin.

Because Nakata et al. discloses a low dielectric constant film containing siloxane resin and polycarbosilane bonded to the siloxane resin, Nakata et al. fails to disclose a first insulating film, “said first insulating film consisting essentially of ladder-shaped siloxane hydride.” Therefore, Nakata et al. fails to disclose all of the features of claim 1. Withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. § 103**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata et al. This rejection is respectfully traversed. Claim 7 depends upon claim 1 and is allowable over Nakata et al. for at least the reasons noted above. Withdrawal of this rejection is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

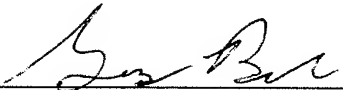
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/8/06

By 

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